

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FAROUK SYSTEMS, INC.

Plaintiff,

v.

CIVIL ACTION NO. 4:11-cv-2499

ERIC WHITE, ASS JOSEPH, STEPHANIE
KRAHAM, JUAN ARAUJO, IDAN BEN
HARUSH, ALBERTO NAVARRETTE,
JUANA GAMBOA, ASHLEY SUTTI A/K/A
ASHLEY M. PASCHALL, MARA BAUER,
ALBA CALDERON, BRETT HUCKINS,
ADELINA CANTU, DIANA CASO, JOE
SILVA, PEDRO SILVA, MARTHA E.
SILVA, MARIO FLORES, HECTOR
RAMOS, DEBORAH G. TENORIO,
CECILIA GONZALEZ, JOSE RIOS, CLARA
T. LARA, DANIEL PENA, NGHIA TROUNG
ANA CAMPOS, JOAQUIN GUZMAN, ESTER
ESTRADA, IRAIDA BODE, individually and
Doing business as LUISITOS MERCHANDISE
RICARDO AGUIRRE a/k/a SAURIRE
AGUIRRE, ELIZABETH STEELE, SANDRA
MEDINA, JAIME HEREDIA, doing business
As CINDY'S ELECTRONICS, ANGEL'S
ELECTRONICS, and ELECTRONIC WORLD
CONNECTION, BAYME EDDA doing business
as CINDY'S ELECTRONICS, RICHARD
KALISCH, NOE MUNIZ, SIGIFREDO
TORRES, BRENDA LOPEZ, CONSUELO
VALDEZ, DANIEL PALACIOS, NACIM
ELIAS, PAOLA PEREZ DE LEON, JAMIE R.
VAZQUEZ, MAOR PEREZ, DAN SARABIA
and MARY ANN MORALES,

Defendants

DEFENDANT JAIME R. VAZQUEZ'S ORIGINAL ANSWER

NOW COMES JAIME R. VAZQUEZ, incorrectly identified as JAMIE R. VAZQUEZ, hereinafter sometimes referred to as Defendant, and files this its Original Answer, and in support thereof, shows unto the Court the following:

1. With respect to Paragraph 44 of Plaintiff's Complaint, Defendant is properly identified as JAIME R. VAZQUEZ, not JAMIE R. VAZQUEZ.
2. Defendant denies that he engaged in any of the conduct as set forth in paragraph 48 of Plaintiff's Complaint.
3. Defendant denies that he was at any time a resident of the Southern District of Texas and/or that he transacted any relevant business in the Southern District of Texas.
4. Defendant denies that venue is proper in the Southern District in that he is not located in the judicial district nor was he transacting business within the Southern District of Texas, nor were any of the acts complained of by Plaintiff allegedly committed in the Southern District of Texas.
5. Defendant is without information or knowledge sufficient to form a belief as to the truth of Paragraphs 52 through 59.
6. Defendant denies that the entirety of Paragraph 60.
7. Defendant is without information or knowledge sufficient to form a belief as to the truth of Paragraph 61.
8. Defendant is without information or knowledge sufficient to form a belief as to the truth of Paragraph 62.

9. Defendant denies that any conduct and/or activity for which it is accused of engaging caused irreparable harm to the FSI Trademarks and to FSI, as set forth in Paragraph 63 of Plaintiff's Complaint.
10. Defendant is without information or knowledge sufficient to form a belief as to the truth of Paragraph 65.
11. Defendant denies that it had knowledge of FSI's well-known and prior rights in the FSI Trademarks, and further denies that he imported and/or arranged for import, manufacture, distribution, or sale of the Counterfeit Products to the consuming public, as set forth in Paragraph 66 of Plaintiff's Complaint.
12. Defendant is without information or knowledge sufficient to form a belief as to the truth of Paragraph 67.
13. Defendant denies that he used copies or simulations of the FSI Trademarks as set forth in Paragraph 68 of Plaintiff's Complaint. Defendant is without information or knowledge sufficient to form a belief as to the remaining allegations of Paragraph 69.
14. Defendant denies that Plaintiff is without an adequate remedy at law and that Plaintiff has suffered irreparable harm and injury to its goodwill and reputation, as set forth in Paragraph 69 of Plaintiff's Complaint.
15. Defendant denies that any of his conduct caused Plaintiff any damages, as set forth in Paragraph 70 of Plaintiff's Complaint.
16. Defendant denies that he sold and offered for sale any counterfeit product, and that he has caused confusion to the general purchasing public, as set forth in Paragraph 72 of Plaintiff's Complaint.

17. Defendant denies the allegations, as set forth in Paragraph 73 of Plaintiff's Complaint, entirely.
18. Defendant denies the allegations, as set forth in Paragraph 74 of Plaintiff's Complaint, entirely.
19. Defendant denies the allegations, as set forth in Paragraph 75 of Plaintiff's Complaint, entirely.
20. Defendant again denies that Plaintiff is without an adequate remedy at law and that Plaintiff has suffered irreparable harm and injury to its goodwill and reputation as a result of any conduct of said Defendant.
21. Defendant denies that any of his conduct caused Plaintiff any damages, as set forth in Paragraph 77 of Plaintiff's Complaint.
22. Defendant denies the allegations, as set forth in Paragraph 79 of Plaintiff's Complaint, entirely.
23. Defendant denies the allegations, as set forth in Paragraph 80 of Plaintiff's Complaint, entirely.
24. Defendant denies the allegations, as set forth in Paragraph 82 of Plaintiff's Complaint, entirely.
25. Defendant denies the allegations, as set forth in Paragraph 83 of Plaintiff's Complaint, entirely, and specifically denies that he intentionally, willfully and or wantonly used the FSI Trademark
26. Defendant denies that Plaintiff is entitled to recovery its attorney's fees.
27. Defendant asserts the affirmative defense of laches.
28. Defendant asserts the affirmative defense of statute of limitations.

PRAYER

Defendant prays that Plaintiff take nothing by his suit, and for such other and further relief, both in law and in equity, to which it may be justly entitled.

Respectfully submitted,

ADAMI, SHUFFIELD, SCHEIHING & BURNS, PC
SWBC Tower
9311 San Pedro, Suite 900
San Antonio, Texas 78216
Telephone: (210) 3440-0500
Telecopier: (210) 344-7228

By: /s/ Paul D. Huckabay
PAUL D. HUCKABAY
State Bar No. 24032316

ATTORNEY FOR DEFENDANT
JAIME R. VAZQUEZ

CERTIFICATE OF SERVICE

I hereby certify that on this the 12th day of August, 2011, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send notice of electronic filing to the following:

Anthony Matheny
GREENBERT TRAURIG LLP
1000 Louisiana Street, Suite 1700
Houston, Texas 77002

/s/ Paul D. Huckabay
Paul D. Huckabay